

SUBDIVISION MEETING

April 12, 2001

Chair Karolin Loendorf called the meeting to order at 9:00 a.m.

Commissioners Murray and Varone were present. Others attending all or a portion of the meeting included Ron Alles, K. Paul Stahl, Sharon Haugen, Dick Meeker, Angelo Spado, Ron Yuhas, Donald Betcher, Robert Rasmussen, Ike Lanning, Rene Older, Jean Whitney, Margaret Stuart, Marilyn Tutwiler, Wanda Enger, Bert Gailushas, Anthony Perpignano, Dean Retz, Susie Wolcott, Bill Collins, Aaron and Kathie Helfert, Helen Kovich, and Carole Byrnes.

Minutes. There were no minutes to approve.

Montana Youth Homes. Ron Alles reported that MYH has submitted an emergency request for \$7,000. The BoCC recommended that MYH present its request to the Human Services Task Force. The task force indicated this request was beyond the scope of the task force and recommended that the BoCC fund the request from its budget.

MYH Executive Director, Angelo Spado, reported that the MYH has been providing emergency shelter services to children in youth and long-term residential services. MYH is requesting a \$7,000 emergency grant to help the home get through their crisis. It has been very difficult for this agency to build cash reserves because the rates of reimbursement are set below the actual cost of care. They make up the difference through fund raising campaigns, grant writing, and through the local United Way agency. MYH is not reimbursed when referrals are down. Currently, MYH funding comes from DPHHS through the foster care budget. Approximately 70% of the youth served are from Lewis and Clark County and approximately 10% from Silver Bow County. The Silver Bow Commission has agreed to contribute \$3,500. MYH's current debt as of April is \$27,826. Commissioner Varone requested that MYH provide the Commission with a budget. Mr. Spado stated that this summer's fund raising activities would improve the current debt.

Dick Meeker, Department of Court Services-Juvenile Probation. Mr. Meeker stated that the services provided by MYH are invaluable. Youth crimes are down and as a result, fewer children are being placed in facilities. If MYH closes, children will be placed out of the district, which places a greater burden on the Department of Court Services. Mr. Meeker clarified that this would be a one-time allocation to MYH.

Hearing no other comments, the Chair closed this portion of the hearing. Commissioner Murray moved that the county finance officer meet with MYH to garner the information necessary to justify the amount. Once this has been accomplished the Commission will

render a decision Tuesday, April 17, 2001 at 9:00 a.m. Commissioner Varone seconded the motion and it carried unanimously.

Planning and Zoning Commission Meeting of March 22, 2001. (cont. from 4/10/01). The applicant proposes to a zone change in County Special Zoning District No. 2. The property is generally known as Golden Estates No. 3 Subdivision. Commissioner Murray moved that the Commission adopt the recommendation of the Planning and Zoning Commission subject to 4 conditions as proposed by staff. Commission Loendorf seconded the motion.

Commissioner Murray moved that condition 2 be amended out with the proposed change as recommended by staff. Jerry Grebenc reported that if recommendation 2 is deleted, the only rezone will be a portion of the district from A1 and R1 to R3. The B2 designation will be eliminated. Commissioner Loendorf seconded the motion. Commissioner Varone reluctantly voted no. The motion carried 2-1.

Jerry Grebenc reported that the Commission just voted to rezone a portion of the district from A1 and R1 to R3 and amending out recommendation 2 regarding the B2 designation. Recommendation 3 solely deals with amendment of the B2 regulations on North Montana. Recommendation 4 was a request by the applicant to amend the setback requirements for the R3 district that currently exists.

Commissioner Murray moved that recommendation 3 be eliminated. Commissioner Varone seconded the motion and it carried unanimously.

Commissioner Murray moved to approve the recommendation of the Planning and Zoning Commission with staff recommendations of 1 and 4 as amended. Commissioner Loendorf seconded the motion. Commissioner Varone reluctantly voted no. The motion carried 2-1.

Commissioner Murray moved to instruct planning staff to review and make recommendations on the zoning conditions for this proposed zone and conduct a public meeting on the proposed revisions prior to the end of June, then the Commission will hold a public hearing to adopt the recommendations. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Major Subdivision, Preliminary Plat, Golden Estates III Major. (cont from 4/10/01). The applicant proposes to create 40 lots for single-family dwellings and two lots for commercial use. The proposed subdivision is generally located east of McHugh Lane and south of Faw Road. The applicant, Ronald Yuhas, was present. Commissioner Varone moved that the Commission table consideration of the subdivision until the special zoning district has been updated. The motion died for the lack of a second.

Commissioner Murray moved that the Commission approve the proposed Golden Estates III, subject to the 19 conditions as proposed by the Planning Board. Commissioner Loendorf seconded the motion.

Staff recommended adding condition 20 addressing that the applicant provide information for a market value of the property or an appraisal to determine the cash payment in lieu of parkland dedication. Staff also recommended that a note added to condition 17 indicating that parkland is part of the requirement of the conditions. The term community sewer or treatment system and community water supply be added to condition 1. Staff further recommended on condition 15.h that the commercial site development guidelines be deleted since there will be no commercial property in the subdivision. Commissioner Murray moved that the Commission adopt staff's recommendations. Commissioner Loendorf seconded the motion. Commissioner Varone reluctantly voted no. The motion carried 2-1.

Commissioner Murray moved to further amend for an additional condition that all homes developed in this subdivision be plumed now for septic systems for City of Helena sewer systems with the understanding that at some point this property in the future will be annexed to the City of Helena for water and sewer service. Mr. Grebenc stated this will need to be added as a covenant. Commissioner Varone seconded the motion.

Steve Kilbreath, County Environmental Health Department, recommended additional time to put the correct language together and work with the developer.

Ron Yuhas agreed to an additional covenant for future sewer hookup in anticipation of city annexation.

The motion carried unanimously.

Commissioner Loendorf moved to delete condition 14.d, the mailbox facility. Commissioner Varone seconded the motion and it carried unanimously.

The motion to approve the subdivision subject to 20 conditions as amended carried 2-1.

The Commission recessed and reconvened at 10:35 a.m.

Betcher Floodplain Request. (cont. from 3/20/01). Paul Spengler reported that Mr. Betcher is requesting a variance to the county floodplain regulations to allow him to move a trailer in the floodway, which is prohibited by county regulations. Mr. Betcher moved from Lincoln to Helena due to medical reasons, and owned a trailer at 915 Ross Road in the Sewall Subdivision in the Silver Creek floodway. He moved a trailer two feet larger than his old one, which was uninhabitable. Mr. Betcher was not aware he needed a permit. Mr.

Spengler recommended approving the variance because the trailer is two feet longer and will not adversely affect the floodplain.

Donald Betcher, 915 Ross Road. Mr. Betcher stated the trailer will be anchored with 6 tie-downs in accordance with staff's recommendation.

Paul Spengler stated Mr. Betcher would need to go through the permit process, anchor the trailer home to a permanent foundation. The purpose is to prevent the trailer from being washed away in floodwaters. Six tie downs to permanent footings would suffice. Part of the permit process is to elevate the first floor of the trailer home two feet above the base flood elevation.

Mr. Betcher stated he has hired a surveyor to complete the process.

Steve Arlint, 1675 Carmen Road, on behalf of Jean Whitley, 881 Ross Road. Mr. Arlint stated that in the 25 years that Mrs. Whitley has lived at this address the few times it has flooded the water has not gone above 8 inches.

Joan Bowsher, Environmental Health Division. Ms. Bowsher stated this lot is in Sewell Subdivision, which is located in the floodway and the floodplain of Silver Creek. It has been a concern of the Health Department since this subdivision was approved by the State Department of Health in the early 1970s. The concern came before the Health Department in 1999 when a home at 6831 Helena Road had sewer system failure. The lot at 915 Ross Road shows a groundwater monitoring well at 4.5 feet. The Health Department recommends that if the BoCC approves this variance that three conditions be added: (1) that the homeowners submit a detailed lot layout showing locations of wells, septic tank and drainfield, and buildings; (2) have the tank pumped and inspected by a licensed septic tank pumper; and (3) that the property owner will waive the right to protest a water and sewer district in the future.

Hearing no other public comments, the Commission closed this portion of the hearing. Commissioner Murray moved that the variance be granted for the replacement home, conditioned upon prior to the variance being issued, the septic system being pumped and inspected by a licensed professional and further subject to the two additional conditions as recommended by the Environmental Health Department and the necessary conditions as proposed by Mr. Spengler that the replacement home must be tied down and elevated two feet above the flood waters that are documented in that area. Commissioner Varone seconded the motion and it carried unanimously. The motion is amended to include that the applicant will indemnify the county for any damages that the trailer causes or that has caused them by the county allowing the variance. Commissioner Varone seconded the motion and it carried unanimously.

Staff will prepare Findings of Fact and Conclusions of Law.

Request for Modification of Conditions of Approval for the Silver Fox Minor Subdivision, Condition No. 15. The applicant has requested that the BoCC reconsider and delete condition 15 relating to the sampling and analysis of certain materials within tract B-4. The applicant, Ike Lanning, was present, and indicated his willingness to proceed. Robert Rasmussen presented the staff report. The results of the sampling were submitted to DEQ for comment. DEQ's conclusion was that the single soil sample was insufficient to assess the potential human health risks and that any interpretation of the sample from the site would be unreliable given the lack of information. Their recommendation was to develop a site-specific sampling plan that would character the waste source on site. Staff has concluded that the nature of the impoundment is still not clearly understood, the sampling conducted did not provide accurate information about the character of the impoundment materials, and the risk to public health associated with the impoundment feature is still uncertain. Based on these conclusions, staff recommended three alternatives for the BoCC to consider with conditions as outlined in the staff report.

Bill Ries, 6850 Green Meadow Drive. Mr. Ries believes that the depth to the mine tailings is sufficient and believes that condition B would be more than adequate for public health and safety.

Ike Lanning recommended that the final plat note there is a mine tailing impoundment area on the property. The subdivision is compatible with the neighborhood.

Hearing no other public comments, the Chair closed this portion of the hearing. Commissioner Murray moved that condition 15 be omitted and a new condition 15 be added: (a) the applicant shall indemnify Lewis and Clark County from lawsuits resulting from any hazardous waste that may be contained on the site, (b) prohibit the use of the area for any future development; and (c) note on the final plat the existence of an impound area of mine tailings. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Minor Subdivision, Amended Plat, Hoff Minor, Lot 1 Amended. (cont. from 4/10/01). The applicant, Randy Christiansen, proposes to create five lots, each for one single-family dwelling. The proposal is generally located east of Lake Helena Drive, approximately 1¼ mile north of York Road. Dean Retz was present on behalf of applicant. Commissioner Murray moved that the Commission approve the proposal subject to 15 conditions as proposed by staff. Commissioner Varone seconded the motion and it carried unanimously. Commissioner Murray moved that condition 5 be amended as proposed by the applicant to read: That the applicant shall improve Emerald Ridge Loop Road to the specifications required by county subdivision regulations, typical section #3, extending from Lake Helena Drive to the intersection of Emerald Loop Road and internal access roads. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Major Subdivision, Preliminary Plat, K & R Major. (cont. from 4/10/01). The applicant, Aaron Helfert, proposes to create 52 lots, 46 lots for single-family dwellings and 6 lots for commercial use. The proposed subdivision is generally located north of Old Highway 12 East, east of and adjacent to Kalispell Street and west of and adjacent to Oaks Street. Commissioner Murray moved that the Commission approve the proposed subdivision subject to 16 conditions as recommended by staff. Commissioner Varone seconded the motion. Commissioner Varone moved to delete condition 12.b. Hearing no second the motion died. The motion to approve the subdivision carried unanimously.

East Helena Speed Study. Lee Alt, Butte District Traffic Engineer for MDT presented the speed study to extend the 45 mph speed limit to Prairie Nest Drive in East Helena. MDT presents his recommendation to the Highway Commission for approval. The BoCC will have 60 days to agree, disagree with the findings, or submit comments. The accident rate was lower than the statewide average. MDT is recommending extending the 45 speed limit east of East Helena from station 180+00 to 240+00 (approximately 6,000 feet) and add another 3,500 feet of 55 mph speed limit. A reduced speed sign will also be added.

Commissioner Varone was excused for the remainder of the meeting.

Final Plat Approval and Signatures for Solitaire Tracts II. Michael McHugh reported that the cash in lieu of parkland dedication in the amount of \$2,659.13 has been paid. The road has been certified by its installer in accordance with county road standards typical section 3. All the conditions have been met and the taxes have been paid. By consensus, the Commission agreed to sign the final plat.

Final Plat Approval, Improvements Agreement and Signatures for Holmberg Village Estates, Phase I. Michael McHugh reported that applicants will plat 22 lots, one lot for commercial use, one for a multi-family residential use, and one for a common area for stormwater retention. The remainder of the lots would be for single-family residential use. The applicant desires to make a cash payment in lieu of parkland dedication in the amount of \$2,337, which has been paid. The applicants have entered into an improvements agreement for improvements to the water supply system, the wastewater system, and construction of the roads. The total value is \$125,245. Staff recommended approval of the final plat and the improvements agreement. By consensus, the Commission agreed to sign the final plat and the improvements agreement.

Resolution Ordering the Cancellation of Personal Property Taxes that have been Delinquent for Five Years. Cheryl Green reported that the county has been unable to collect the taxes. Staff recommended approval of the resolution. Commissioner Murray moved that the Commission adopt the resolution and authorized the Chair to sign. Commissioner Loendorf seconded the motion and it carried 2-0.

Resolution Requesting the Department of Revenue to Remove Certain Personal Property Taxes Rendered Uncollectible by Bankruptcy Court Action. Cheryl Green reported that the list of debtors attached to the resolution have filed bankruptcy and have been dismissed by Bankruptcy Court action. Commissioner Murray moved that the Commission adopt the resolution and authorized the Chair to sign. Commissioner Loendorf seconded the motion and it carried 2-0.

Resolution Ordering a Refund of Solid Waste Fees. Cheryl Green reported that David J. Karlau was erroneously assessed for the Scratch Gravel Solid Waste Management District fee. The Scratch Gravel Board recommended a refund in the amount of \$86.00. Commissioner Murray moved to table the resolution to the Administrative Staff meeting at 1:30 p.m. Commissioner Loendorf seconded the motion and it carried 2-0.

Resolution Ordering a Refund of Solid Waste Fees. Cheryl Green reported that the Marysville Pioneer Corporation was erroneously assessed for the Scratch Gravel Solid Waste Management District fees. The Scratch Gravel Board recommended a refund in the amount of \$86.00. Commissioner Murray moved to table this resolution to the Administrative Staff meeting at 1:30 p.m. Commissioner Loendorf seconded the motion and it carried 2-0.

This meeting adjourned at 11:50 a.m. The Administrative Staff/Public Works meeting will continue at 1:30 p.m.